IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1080 OF 2005

WITH

CIVIL APPLICATION NO.1319 OF 2005

Aziz-Ur-Rehman Mohd.Shafi ..Appellant.

Vs.

Shriram Group Companies & Ors. ..Respondents.

WITH

APPEAL FROM ORDER NO.1081 OF 2005

WITH

CIVIL APPLICATION NO.1320 OF 2005

Anjuman Rehman s/o
Aziz-Ur-Rehman Khan ..Appellant.

Vs.

Shriram Group Companies & Ors. ..Respondents.

....

Mr.V.Mishra for the Appellant.

Mr.S.P.Bharti for Respondent Nos.1 and 2.

...

CORAM : DR.D.Y.CHANDRACHUD, J.

5th December, 2005.

P.C. :

An application was filed by the First Respondent under Section 8 of the Arbitration & Conciliation Act, 1996 before the Learned Trial Judge. That application was dismissed by an order dated 28th October, 2005 against which the First Respondent has filed a writ petition which is pending before this Court. The Appellant has preferred this Appeal against the dismissal of his Motion for interim relief. On behalf of the Respondents, it has been submitted that in fact it was only the application of the First Respondent under Section 8 of the Arbitration & Conciliation Act, 1996 that was argued before the Trial Court and the Motion of the Appellant was not argued on merits. This was in view of the fact that the application filed by the First Respondent under Section 8 was taken up. In view of the fact that the petition filed by the First Respondent challenging the order passed on the application under Section 8 is to come up before the appropriate Bench of this Court, it

has been stated on behalf of the First Respondent that the First Respondent shall not,

> pending the disposal of the aforesaid petition take any coercive steps for the recovery of possession of the vehicle from the Appellant save and except by due process of law.

In the circumstances, both the Appeals from Order are disposed of, since no further relief is sought at this stage.

In view of the disposal of the Appeals, the Civil Applications are rendered infructuous and are accordingly disposed of.